

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MASOTINA, S.P.A.,
:

Plaintiff,
:

v.
:

V.I.P. PAPER TRADING INC., REBECCA
SILVER, and MAX QUESTINI,
Defendants
----- x

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DOCUMENT
ELECTRONICALLY FILED
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DATE FILED 12/18/14

INDEX NO. 13-CV-5030 (NRB)

[Proposed] JUDGMENT
BY DEFAULT

MEMO ENDORSED


In a Memorandum and Order filed on September 5, 2014, the Court found that the allegations in the Complaint and the attached exhibits established the claim by Plaintiff Masotina, S.p.A. ("Plaintiff") for contract damages, but did not, on their own, without the submission of additional admissible evidence, establish an award of treble damages under a RICO theory. Plaintiff has been unable to produce such admissible evidence in support of an award of treble damages under the RICO Act.

Because the Court concludes that: (i) more than 21 days have passed since service of the Summons and Complaint on Defendants, and Defendants have failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure; (ii) the Clerk of Court entered Certificates of Default against Defendants on December 4, 2014; (iii) Plaintiff filed a motion for default judgment against Defendants on January 27, 2014 and served Defendants by mail on that date; (iv) Defendants did not respond to that motion; and (v) the Defendants are not in military service or minors or otherwise incompetent persons;

IT IS ORDERED that:

1. Default judgment will be entered against Defendants, jointly and severally, in favor of Plaintiff;
2. Plaintiff will recover from Defendants contract damages in the amount of \$136,230;
3. Plaintiff will recover from Defendants post-judgment interest at ^{the appropriate} ~~a rate of 9% per annum beginning from the date copies of this Judgment are served on the Defendants;~~ *federal post-judgment rate.*
4. Plaintiff will recover from Defendants \$350 for the cost of the filing of the Complaint and \$50 for the cost of the administrative fee, for a total of \$400.

Dated: New York, New York
December 18, 2014


The Honorable Naomi Reice Buchwald
United States District Judge